IN THE HIGH COURT OF JUDICATURE,
ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.9819 of 2006

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Dated: February 08, 2007

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Between:

Arala Samuel, S/o. Raja Ratnam, aged about 43 years, Occ: Cultivation, R/o. Rachavaripalli Village and Duttalur Mandal, Nellore District.

... Petitioners

And

The District Educational Officer, Nellore, Nellore District, and others.

... Respondents

Order:

Petitioners have filed this Writ Petition seeking Mandamus to declare the action of the respondents in shifting the present Zilla Parishad High School of Rachavaripalli village, Duttalur Mandal to other place in Sy.Nos.43/12, 44/9 and 44/12 of the same village and mandal, Nellore District, as arbitrary, illegal and unreasonable.

2. In the affidavit filed in support of the Writ

Petition, it is stated that petitioners are residents of the aforesaid village. Their case is that in the year 1999, Government had sanctioned an Upper Primary School to the village. Later the same was upgraded into High School by adding classes VIII and IX. Thereafter, the villagers donated vacant land admeasuring Ac.7.00 cents in favour of the Zilla Parishad High School and handed over the same to the Government. It is stated that as the building was not sufficient to accommodate sufficinet number of students, the Zilla Parishad decided to construct a new school building. While things stood thus, some of the villagers approached the authorities requesting to shift the school to some other place in the village and the proposed site is in S.Nos.43/12, 44/9, 44/12, in a total extent of Ac.1.25 cents. The decision to shift the school is stated to be taken in view of the sanction accorded by the Zilla Parishad to construct new building with an estimated cost of Rs.3.50 lakhs from out of the general fund of the Zilla Parishad, by proceedings dated 11-12-2003. It is the case of petitioners that the proposed site is adjacent to burial ground and hence the same is not suitable for construction of school building.

3. Fourth respondent has filed counter affidavit stating that the Mandal Revenue Officer handed over the aforesaid land to the Zilla Praja Parishad on 15-04-2006 for the purpose of construction of Z.P. High School, Rachavaripalli. It is stated that the proposed site is located centrally and it is convenient for the existing students and the students who would join the school,

from surrounding villages. With regard to the allegation of petitioners that there is graveyard adjacent to the proposed site, it is stated that though there are some tombs nearby, the same is not notified as a burial ground. It is further stated that after the site was selected for construction of school building, one Mr. Bana Nageswara Reddy, Chairman of Sri Varasiddi Vinayaka Trust, Rachavaripalli village has submitted a letter to the District Collector, stating that he is willing to spend upto Rs.5.00 lakhs if new buildings of Z.P. High School, Rachavaripalli, are constructed in the existing site. It is further stated that in view of different views regarding location of Z.P. High School, Rachavaripalli, it is decided to conduct detailed enquiry into all the fats and place the matter before the General Body of Zilla parishad, nellore, for taking appropriate decision.

4. Though it is submitted by learned counsel for petitioners that an extent of Ac.7.00 cents has been donated by people of the village in favour of Zilla Parishad for construction of school building, the same has been denied in the counter affidavit. It is now stated in the counter affidavit filed by the Chief Executive Officer of the Zilla Parishad, that in view of subsequent representations made by certain persons, it is decided to conduct detailed enquiry into all the fats and to place the matter before the General Body of Zilla Parishad, nellore, for taking appropriate decision. As the matter has been referred to the Zilla Parishad to take further steps as to the convenient location to construct new

school building, no direction as sought for can be given in this Writ petition.

5. As much as decision with regard to location of new school building is yet to be taken, I keep it open for the petitioners to make a representation to the respondents with regard to alleged donation of Ac.7.00 cents for the purpose of construction of school. If any such representation is received by the respondents, they shall take the same into consideration and pass appropriate orders in accordance with law.

6. The Writ Petition is disposed of with the above directions. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

February 08, 2007
MRR